

REMARKS

In the amendments above, Claims 37, 44, 51, and 58 have been amended to more particularly point out and distinctly claim Applicants' invention.

Applicants thank the Examiner for the courtesy of a personal interview with I. Kavounovski, the CEO of the Assignee of the above application, M. Goldraich, Ph.D., Applicants' Israeli patent counsel, and Applicants' undersigned attorney on July 13, 2009. The December 15, 2008 Office Action and the references cited therein were discussed. As is set forth in the Examiner Interview Summary Record, the Examiner felt that certain changes to the claims may overcome at least the objections based on Fogarty et al., U.S. Patent No. 6,110,198 ("Fogarty") and Baker et al., U.S. Patent No. 6,729,356 ("Baker"). Additional changes to the claims and/or arguments may be necessary to over the rejection based on the Elliot patent publication.

As was discussed with the Examiner, the invention herein comprises docking heads that are attached to standard stentless tubular grafts, that is, the tubular grafts comprised of, for example, DACRON or PTFE, that are typically used in cardiovascular surgical procedures. These tubular grafts differ from the endosurgical expandable, stent-based grafts that are the focus of at least Fogarty and Baker. To clarify this distinction Claims 37 and 51 have been amended to delete "standard" and to insert "stentless".

Elliot was discussed, especially with regard to Figures 3a to 3e. Applicants' representatives pointed out that Elliot is directed to a typical expandable stentlike coupling on a graft used in endovascular surgery. See, for example, Paragraphs 0009 and 0028-0030. Elliot does not teach the system and device disclosed and claimed herein wherein a first docking head is positioned on one end of a graft, the graft is measured for length, and then a second docking head is positioned on the other end of the graft (and a third docking head is positioned when it is a bifurcated graft).

Also, it was pointed out to the Examiner that combining Elliot with Baker or Randall would be contraindicated since Elliot discloses a device with structure that is effective without barbs. Further, the structure of the Elliot devices is not receptive to the barbs shown in Baker and Randall, wherein the devices have different structure. A combination of Elliot with Baker or Randall to support an obviousness rejection is an example of one of the classic "mix and match"

rejections that have long been rejected by the courts, particularly here where one skilled in the art would appreciate that there is no reason to make the combination suggested by the Examiner.

In the December 15, 2008 Office Action the claims were rejected as being anticipated by Fogarty, as being unpatentable over Baker, or as being unpatentable over Elliot in view of Baker et al., U.S. Patent Publication No. 2002/0091439 ("Baker II") or Randall et al., U.S. Patent Publication No. 2003/0158595 ("Randall"). As discussed above, the amendments to the claims are intended to distinguish the claims over at least Fogarty and Baker. Further, although Elliot is believed to be distinguished by virtue of the differences between the invention claimed and the teachings of Elliot, a limitation from Claims 44 and 58 has been incorporated into Claims 37 and 51, respectively, to further distinguish Elliot. Claims 44 and 58 each correspond to Claim 21, which was not rejected over Elliot.

Applicants respectfully submit that Claims 37 to 63 are patentable over the prior art and that the rejections under §§ 102(b) and 103(a) should be withdrawn.

Should the claims be allowable but for minor matters that could be the subject of either an Examiner's Amendment or a supplemental submission by Applicants, Applicants would appreciate the Examiner's contacting Applicants' undersigned attorney.

Reconsideration and allowance of the claims herein are respectfully requested.

Respectfully submitted,

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